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8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 4612

13 **ANGEL MICHAEL RODRIGUEZ**  
P. O. Box 2254  
West Sacramento, CA 95691

**A C C U S A T I O N**

14 Pharmacy Technician Registration  
15 No. TCH 110551

16 Respondent.

17  
18  
19 Complainant alleges:

20 **PARTIES**

21 1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity  
22 as the Executive Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs.

23 2. On or about May 6, 2011, the Board issued Pharmacy Technician Registration  
24 Number TCH 110551 to Angel Michael Rodriguez ("Respondent"). The Pharmacy Technician  
25 Registration was in full force and effect at all times relevant to the charges brought herein and  
26 will expire on January 31, 2015, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 4300 of the Code provides, in pertinent part, that the Board may suspend, revoke, default, suspend judgment, place on probation, suspend the right to practice for p to one year, or take other disciplinary action which the Board, in its discretion, deems proper.

5. Section 4300.1 of the Code states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

## STATUTORY PROVISIONS

6. Section 4301 of the Code states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

...

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

...

(i) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the records of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order

1 under Section 1203.4 of the Penal Code allowing the person to withdraw his or her  
2 plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty,  
3 or dismissing the accusation, information, or indictment.

### 4 COST RECOVERY

5 7. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
6 administrative law judge to direct a licensee found to have committed a violation or violations of  
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
8 enforcement of the case.

### 9 FIRST CAUSE FOR DISCIPLINE

#### 10 (Conviction of Crime)

11 8. Respondent's license is subject to disciplinary action under Code section 4301,  
12 subdivision (d), on the grounds of unprofessional conduct, in that on or about June 19, 2013, in  
13 the case of *People v. Angel Michael Rodriguez*, Sacramento County Superior Court Case No.  
14 11F08115, Respondent was convicted by a jury of his peers of violating Penal Code section 211  
15 [robbery], a felony. Said crime is substantially related to the qualifications, functions, or duties of  
16 a pharmacy technician.

17 a. The underlying circumstances are: on or about December 6, 2011, Respondent  
18 was arrested on suspicion of committing felony bank robbery in violation of Penal Code section  
19 211 (robbery). The robbery occurred on or about November 14, 2011, at the Bank of the West,  
20 2581 Fair Oaks Blvd., Sacramento, California. The amount of the stolen cash was \$1,569.00.

### 21 SECOND CAUSE FOR DISCIPLINE

#### 22 (Committed Acts of Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

23 9. Respondent's license is subject to disciplinary action under Code section 4301,  
24 subdivision (f), on the grounds of unprofessional conduct, in that on or about November 14, 2011,  
25 Respondent committed acts of moral turpitude, dishonesty, fraud, deceit, or corruption. The  
26 underlying circumstances are set forth in paragraph 8, subparagraph a, above.

### 27 AGGRAVATING FACTORS

28 10. In order to fix the degree of discipline against Respondent, Complainant respectfully  
requests the following to be considered:

1 a. On or about November 29, 2010, Respondent submitted his Application for  
2 Registration as a Pharmacy Technician; he certified under penalty of perjury as to the truth and  
3 accuracy of all statements, answers and representations made in his application. Respondent  
4 falsely responded "no" to Question 6, "Have you ever been convicted of or pled no contest to a  
5 violation of any law of a foreign country, the United States or any state laws or local ordinances."

6 b. The truth is that Respondent had sustained the following convictions:

Conviction Date	Court	Case #	Code/Description
11/05/1974	Washington County, OR		Charge - Robbery
07/07/1977	Portland, OR		Charge - Driving Under Influence
08/01/1980	Clackamas County, OR		Charge 1 - Robbery, 2 <sup>nd</sup> degree Charge 2 - Robbery, 1 <sup>st</sup> degree
07/03/1987	Jackson County, OR	861054C2	Charge - Robbery, 3 <sup>rd</sup> degree
10/14/1988	Vancouver, WT		Charge - Render Criminal Assistance, 1 <sup>st</sup> degree
05/21/1990	Portland, OR		Charge - Bank Robbery

13 c. After the Board's inquiry, Respondent provided his written explanation about the  
14 above convictions, his incarcerations, and submitted rehabilitation documents including a letter  
15 of reference from Respondent's pastor. Thereafter, Respondent was issued Pharmacy  
16 Technician Registration No. TCH 110551.

17 **PRAYER**

18 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
19 and that following the hearing, the Board of Pharmacy issue a decision:

20 1. Revoking or suspending Pharmacy Technician Registration Number TCH 110551  
21 issued to Angel Michael Rodriguez;

22 2. Ordering Angel Michael Rodriguez to pay the Board of Pharmacy the reasonable  
23 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
24 Code section 125.3; and

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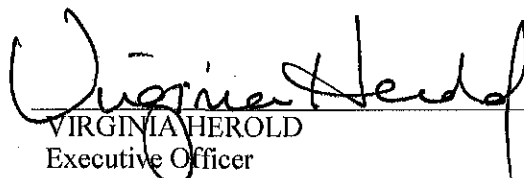
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3. Taking such other and further action as deemed necessary and proper.

DATED:

12/2/13



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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